

REMARKS

This application has been reviewed in light of the Office Action mailed on October 7, 2003. Claims 1-20 are pending in the application with Claims 1 and 11 being in independent form. Reconsideration of the above identified application in view of the following remarks is respectfully requested.

Claims 1, 4, 6, 8, 9, 11, 14, 16, 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,449,491 to Dailey in view of U.S. Patent 6,026,083 to Albrow et al. (hereinafter "Albrow").

Applicant appreciates the courtesy granted to Applicants' attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on January 6, 2004. During the interview, Applicants' attorney respectfully traversed the rejection of Claims 1 and 11 on the ground that the secondary reference, Albrow, does not teach the following claim recitations:

CLAIM 1:

...second transmitter means for transmitting from the fixed terminal the broadcast message on the said specified broadcast message channel for reproduction of the broadcast message by the or each portable terminal, wherein the broadcast message channel is connectionless. [Emphasis added]

CLAIM 11:

transmitting from the fixed terminal the broadcast message on the said specified broadcast message channel for reproduction of the broadcast message channel for reproduction of the broadcast message by the or each portable terminal, wherein the broadcast message channel is connectionless. [Emphasis Added]

In the interview, the Examiner agreed with the position taken by Applicant's attorney for at least the reason that Albrow is directed to a system in which a fixed base station is in communication with a fixed subscriber (See Albrow at Col. 1, lines 49-53). There is no teaching or disclosure in Albrow of a system involving a fixed terminal in communication with one or more portable terminals, as recited in Claims 1 and 11.

With continued reference to Claims 1 and 11, it was further pointed out to the Examiner during the interview that the present invention is directed to a broadcast message comprised of one of a data file and/or audio message for the purpose of reproducing the data file and/or audio message at the plurality of portable terminals. The claim language of Claim 1 presently recites that: *the broadcast message is transmitted for reproduction of the broadcast message by the or each portable terminal*. Applicants' attorney stated that Albrow cannot teach *reproduction of the broadcast message*, as recited in Claims 1 and 11, because Albrow teaches the transmission of control messages (see Albrow at Col. 1, lines 10-12). As is well known, control messages are not transmitted for the purpose of reproduction.

With continued reference to Claims 1 and 11, it was also pointed out to the Examiner that Albrow does not teach: *wherein the broadcast message channel is connectionless*. Albrow teaches at Col. 2, lines 26-32:

The broadcast channel consisting of segments in each of the slots of a frame which together form the down-link common signaling channel which is transmitted by the base station, and contains the control messages containing link information such as slot lists, multi-frames and super-frame information, connectionless messages, and other information basic to the operation of the system.

That is, Albrow teaches a broadcast channel wherein one segment of a plurality of segments is comprised of connectionless messages. In other words, the broadcast channel is not connectionless. Rather, one component of the broadcast channel of Albrow transmits connectionless messages. This is in contrast to the present invention in which the broadcast channel is in fact a connectionless channel. In further support, it is well known that a characteristic of a connection based channel is that a transmitting-receiving node pair are bound together by including a field that specifies the origin and/or destination of the message to be transmitted, such as a MAC address. Albrow at Col. 4 includes a table, i.e., Table 1, which is a prioritization scheme designed to ensure that message sources are given fair shares of the available bandwidth. The Table includes "MAC control" messages and "Connection related" messages, both indicative of a connection based channel.

During the interview, Applicants' attorney respectfully traversed the rejection of Claims 6 and 16 on the grounds that the subject matter of Claims 6 and 16 is not disclosed by Dailey.

Claim 6 recites:

A broadcast system in accordance with claim 1 and further including:

means for assigning each portable terminal with a broadcast group identity;

means for including broadcast group identity information in the first message;
and

means for causing the or each portable terminal to receive on the specified broadcast channel only if the said portable terminal has an assigned broadcast group identity that corresponds to the broadcast group identity transmitted in the first message.

It is respectfully submitted that Dailey does not disclose or suggest Applicant's invention as recited by Claims 6 and 16.

In rejecting Claims 6 and 16, the Examiner asserts in the Office Action that Dailey discloses *means for assigning each portable terminal with a broadcast group identity* (i.e., common physical channel) (col. 3, lines 42-51). During the interview, the Examiner stated that a common physical channel is inherently equivalent to assigning each portable terminal with a broadcast group identity. Applicant respectfully disagrees with this assertion. Dailey states at Col. 3, line 51 that the common physical channel is equivalent to a frequency/time slot allocation. Such frequency/time slot allocations are characteristic of TDMA systems, such as the IS-136 TDMA system disclosed in Dailey at Col. 2, line 10.

As is well known, TDMA systems typically operate by using the same set of carrier frequencies in different time slots so as to be orthogonal in the time domain, thus allowing multiple users to share the same frequency band by multiplexing transmissions in non-overlapping time slots. Each TDMA frame has a plurality of time slots, each of which can be associated with a particular user. For example, a first time slot in each frame corresponds to a first user, the second time slot corresponds to a second user, and a sixth time slot may correspond to a third user. There is no teaching or disclosure of *means for assigning each portable terminal with a broadcast group identity*, as recited in Claim 6 and 16. By assigning a broadcast group identity, only those portable terminals carrying a particular identity will receive the broadcast. In this manner, more than one identity may be employed in the system thus allowing different groups of portable

terminals to be created and independently selected for receiving a connectionless broadcast. No such facility exists in the TDMA system of Dailey.

In view of the foregoing amendments and remarks, it is respectfully submitted that at Claims 1 and 11 are not disclosed or suggested by the cited references, alone and in combination.

Claims 4, 6, 8 and 9 depend from Claim 1 and therefore contain the limitations of Claim 1. Claims 14, 16, 18 and 19 depend from Claim 11 and therefore contain the limitations of Claim 11. Hence, for at least the same reasons given for Claims 1 and 11, Claims 4, 6, 8, 9, 14, 16, 18 and 19 are believed to be allowable over the cited references. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 1, 4, 6, 8, 9, 11, 14, 16, 18 and 19 are respectfully requested.

Claims 2, 5, 12 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dailey and Albrow in view of U.S. Patent No. 6,490,447 to Beidermann et al. (hereinafter Beidermann 1”).

Claims 2 and 5 depend from Claim 1 and therefore contain the limitations of Claim 1. Claims 12 and 15 depend from Claim 11 and therefore contain the limitations of Claim 11. Accordingly, for at least the same reasons given for Claim 1, Claims 2 and 5 are believed to contain patentable subject matter. Similarly, for at least the same reasons given for Claim 11, Claims 12 and 15 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 2, 5, 12 and 15 are respectfully requested.

Claims 3, 7, 13 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dailey and Albrow in view of U.S. Patent No. 6,400,938 to Beidermann et al. (hereinafter Beidermann 2”).

Claims 3 and 7 depend from Claim 1 and therefore contain the limitations of Claim 1. Claims 13 and 17 depend from Claim 11 and therefore contain the limitations of Claim 11. Accordingly, for at least the same reasons given for Claim 1, Claims 3 and 7 are believed to contain patentable subject matter. Similarly, for at least the same reasons given for Claim 11, Claims 13 and 17 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 3, 7, 13 and 17 are respectfully requested.

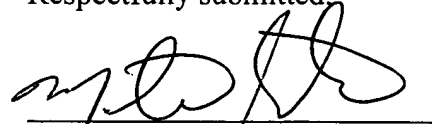
Claims 10 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dailey and Albrow in view of U.S. Patent No. 6,490,447 to Beidermann et al. (hereinafter Beidermann 1”).

Claim 10 depends from Claim 1 and therefore contain the limitations of Claim 1. Claim 20 depends from Claim 11 and therefore contain the limitations of Claim 11. Accordingly, for at least the same reasons given for Claim 1, Claim 10 is believed to contain patentable subject matter. Similarly, for at least the same reasons given for Claim 11, Claim 20 is believed to contain patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 10 and 20 are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-20, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Jack Slobod, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9606.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael A. Scaturro', written over a horizontal line.

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